

## **Resolution 2018-13**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VINEYARD, UTAH, APPROVING THE ISSUANCE BY THE ARIZONA INDUSTRIAL DEVELOPMENT AUTHORITY OF ITS CHARTER SCHOOL REVENUE BONDS (FRANKLIN DISCOVERY ACADEMY PROJECT) SERIES 2018A IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$15,000,000**

WHEREAS, Three Twenty East Gammon Road, LLC (the “Borrower”), a Utah limited liability company, the sole member of which is the Franklin Schools Foundation, dba Franklin Discovery Academy, a Utah nonprofit corporation and an organization described in Section 501(c)(3) of the Code, has requested that the Arizona Industrial Development Authority (the “Authority”) an Arizona nonprofit corporation designated as a political subdivision of the State of Arizona to issue revenue bonds in an aggregate principal amount not to exceed \$15,000,000 (the “Bonds”) to assist in financing the costs of the acquisition of certain charter school facilities and the associated improvements thereon to be owned by the Borrower and leased to Franklin Discovery Academy - Vineyard, a Utah nonprofit corporation and an organization described in Section 501(c)(3) of the Code (the “Charter School”) located on an approximately 5.0 acre site at 320 E. Gammon Road in Vineyard, Utah (the “Facilities”), (ii) fund a bond reserve fund, (iii) fund capitalized interest on the Bonds, if any, and (iv) pay certain issuance expenses (collectively, the “Project”); and

WHEREAS, the Facilities will be initially owned by the Borrower and leased to and operated by the Charter School; and

WHEREAS, in order for interest on the Bonds to be excludable from gross income for federal income tax purposes, the issuance of the Bonds must, among other things, be approved by the applicable elected representative of a governmental unit in whose geographic jurisdiction the Project is located after a public hearing held following reasonable public notice, in compliance with Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, the City Council (the “Council”) of the City of Vineyard, Utah (the “City”) is the “applicable elected representative” of the City for the Facilities located within the City; and

WHEREAS, public notice was given by publication of notice in the Daily Herald on August 29, 2018 (the “Public Notice”), a public hearing (the “Public Hearing”) was convened at 6:00 p.m. on Wednesday, September 12, 2018, at the Vineyard City Council Chambers (the “City”) located at 125 South Main Street, Vineyard, Utah. No one appeared, and no comments were received with respect to the issuance of the Bonds. The hearing was thereupon closed; and

WHEREAS, such public hearing was conducted in a manner that provided a reasonable opportunity to be heard for persons with differing views on both the issuance of the Bonds and the location and the nature of the Project which is to be financed by the Bonds; and

WHEREAS, the undersigned is the City Recorder of the City as of the date hereof.

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. For the purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended, the Council hereby approves the Project and the financing thereof through the issuance of the Bonds by the Authority in an aggregate principal amount not to exceed \$15,000,000.

Section 2. The City has no responsibility for the payment of the principal of or interest on the Bonds or for any costs incurred by the Borrower with respect to the Bonds or the Project.

Section 3. This resolution is effective immediately on its passage.

  
\_\_\_\_\_  
Mayor Julie Fullmer

Attest:

  
\_\_\_\_\_  
City Recorder Pamela Spencer



STATE OF UTAH                    )  
  : ss.  
CITY OF VINEYARD                )

I, Pamela Spence, City Recorder of the City of Vineyard, Utah, do hereby certify that the foregoing is a true copy of so much of the proceedings of the City Council of the City of Vineyard, Utah at a regular meeting held September 12, 2018, as it relates to the adoption of a resolution entitled "Resolution of the City Council of the City of Vineyard, Utah, Approving the Issuance by the Arizona Industrial Development Authority of its Charter School Revenue Bonds (Franklin Discovery Academy Project) Series 2018A in an Aggregate Principal Amount Not to Exceed \$15,000,000" and the holding of a public hearing related thereto, and that said proceedings will be recorded in the minutes of the City Council of the City of Vineyard, Utah.

WITNESS my hand and the seal of the City of Vineyard, Utah, this 12 day of September, 2018.

  
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City Recorder of the City of Vineyard, Utah

